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Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
January 12, 2015 at 7:00 P.M.
West Fargo City Hall

Members Present: Scott Diamond
 LeRoy Johnson
 Tom McDougall
 Terry Potter
 Eddie Sheeley
 David Zupi

Members Absent: Jerry Beck, Connie Carlsrud

Others Present: Larry Weil, Lisa Sankey, Tim Solberg, Nate Volmuth, Dan Hazer, Duane Hazer.

The meeting was called to order by Chair McDougall.

The first item on the Agenda was Election of Chair and Vice-Chair.

Commissioner Johnson made a motion to nominate Tom McDougall as Chair. Commissioner Zupi seconded the motion. No opposition. Motion carried. Commissioner Johnson made a motion to close nominations and a unanimous ballot be cast for Commissioner McDougall. No opposition. Motion carried

Commissioner Potter made a motion to nominate Eddie Sheeley as Vice Chair. Commissioner Diamond seconded the motion. No opposition. Motion carried. Commissioner Zupi made a motion to close nominations and a unanimous ballot be cast for Commissioner Sheeley. Commissioner Johnson seconded the motion. No opposition. Motion carried.

Commissioner Potter made a motion to approve the December 8, 2014 meeting minutes as written. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A15-1 Center at 7th Second Addition, a replat of Lot 1, Block 1 of Center at 7th Addition (121 7th Avenue NE), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property, which is located on the southeast corner of 7th Avenue NE and Center Street, is zoned M: Heavy Industrial. This property is bound on the east by a Burlington Northern Santa Fe (BNSF) spur line and BNSF Railroad to the south. The proposed use conforms to the City's plans and ordinances.

The property does not have local street access, but rather access was determined with the original plat, via 7th Avenue NE, which is designated as a Minor Arterial street. An existing access is proposed to continue into the property from 7th Avenue, which lines up with an existing approach on Cargill property on the north side of 7th Avenue which was installed as part of the 7th Avenue NE reconstruction project. At the time of the street reconstruction there was no knowledge whether a street network would be developed south of 7th Avenue NE, so accesses were installed in the desired locations for future use. There is approximately 350' between the access and Center Street.

Right-of-way was dedicated as part of the original plat. Park dedication requirements were also met with the previous plat, when the applicant donated a lot for public use by the City for a Fire Department training site.

Legal notice has been given in the paper and departmental reviews were sent out. We have not received any comments of concern.

It is recommended the City conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The recommended conditions of approval are as follows:

1. An Attorney Title Opinion is received.
2. Access control for 7th Avenue NE and Center Street is placed on the Final Plat.
3. Any necessary easements are shown on the Final Plat.
4. A drainage plan is received and approved by the City Engineer and Public Works Director.

There were no comments from the public. The hearing was closed.

Commissioner Diamond asked about the location of the railroad spur. Tim reviewed an aerial photo of the site. Larry indicated it is utilized by Cargill to the north.

Commissioner Sheeley asked about the access. Larry stated that the accesses were designed during 7th Avenue NE reconstruction. Commissioner Diamond asked about minimum distance requirements. Larry stated that the minimum spacing is 330 and the access points were determined prior to standards being put in place. An overall roadway plan was developed in the early 80s. These accesses line up with the street network to the north.

Commissioner Sheeley made a motion for approval based on staff recommendations. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Chair McDougall indicated Commissioner Potter had a conflict and would not be commenting or voting on the next item.

Chair McDougall opened public hearing A15-2 Oak Ridge 8th Addition, a replat of Lot 2, Block 1 of Oak Ridge 4th Addition (825 33rd Avenue East), City of West Fargo, North Dakota.

Tim reviewed the following information from the staff report:

The property was platted in December of 2012 to allow for a utility substation on the west side of 8th Street East and replatted again in 2013 to allow for a funeral home and crematorium to be constructed on the lot to the south. The Developer proposes replatting a portion of a larger tract for commercial development. The proposed development is consistent with the City's Land Use Plan and has already been zoned to C: Light Commercial to accommodate general commercial uses.

The developer has submitted an application, site plan, Area Plan and Preliminary Plat for a 1.5-acre commercial development along and to the west of Veteran's Boulevard. The Preliminary Plat consists of two lots, one which is 36,051 square feet (Lot 1) and the other which is 31,561 square feet (Lot 2). The lots would be subject to the requirements of the C: Light Commercial and CO: Corridor Overlay district standards. Right-of-way was dedicated as part of Oak Ridge 3rd Addition.

Park dedication was addressed with Oak Ridge Third Addition, so no dedication is required for the subdivision replat. All subdivisions developed south of I-94 which benefit from the major sewer extension services installed through City financing are required to pay a utility hookup fee. Hookup fees were addressed with Oak Ridge Third Addition.

The City provided the preliminary plat and area plan to City departments, Park District, Post Office, SE Cass Water Resource District, and utility companies. No comments were received.

It is recommended that the City conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The conditions of approval are as follows:

1. An Attorney Title Opinion is received.
2. A certificate is received showing taxes are current.
3. A drainage plan is received and approved by the City Engineer.

Tim indicated a title opinion had been received today; however, staff hasn't had a chance to review it.

There were no comments from the public. The hearing was closed.

Commissioner Zupi asked about access to the property, since access isn't allowed from Veteran's Boulevard. Tim reviewed the site showing potential access points via 33rd Avenue and 8th Street East. Discussion was held regarding access via 33rd

Avenue and distance requirements. Nate Vollmuth stated that the applicant would like to access the property from 33rd Avenue. Tim stated that when the building permit application is received, the applicant would meet with staff, and engineering would review access.

Commissioner Zupi made a motion for approval based on staff recommendations. Commissioner Johnson seconded the motion. No opposition. Motion carried.

The next item on the agenda was A15-3 Request for Access at 12th Avenue NE (Lot 1, Block 1 of Bogey 4th Addition).

Larry reviewed the following information from the staff report:

The applicant proposes to add an access onto 12th Avenue NE from his property on the south side of the road. The City's Public Works and Engineering departments conducted a review of this proposed intersection based on the existing and potential traffic of the existing and future land uses on this site. The traffic analysis indicated that the access will not interfere with the functionality of 12th Avenue NE.

The final design for the upcoming 12th Avenue project is complete and this proposed access has been included in those plans. The road section at this stretch will include a raised concrete median for traffic safety due to the railroad crossing and would therefore only allow the ability of a right in/right out access to be constructed at this site.

During the platting of the property and approval of Bogey 4th Addition, access control was placed on the plat and it was determined that primary access to the property would be by way of the platted 11th Avenue NE and 5th Street NE and the existing access on 12th Avenue NE would be approved as temporary. Neither 11th Avenue NE, nor 5th Street NE has yet been constructed to the property and the 12th Avenue NE access is the only improved access to the site.

It is recommended that the City conditionally approve the proposed application on the basis that it is consistent with City plans and ordinances. The recommended conditions of approval are as follows:

1. Applicant provides detailed plans to include details as required by engineering and public works for access permit.
2. Removal of existing temporary approach.
3. Access is granted as right in/right out only.

Applicant Dan Hazer indicated there's an additional study taking place to determine if a three quarter access would be feasible instead of a right in/right out.

Tim stated that he was emailed preliminary 12th Avenue North reconstruction plans on Friday, which showed a raised median.

Applicant Duane Hazer indicated that additional study is taking place; however, the main purpose of this meeting is to approve an approach onto 12th Avenue NE.

Larry indicated that the existing temporary access was to be eliminated once 11th Avenue and 5th Street NE were installed.

Commissioner Sheeley made a motion for approval based on staff recommendations. Commissioner Potter seconded the motion. No opposition. Motion carried.

The next item on the agenda was review of the Rules of Conduct.

Larry stated that the first meeting of the year is an organizational meeting. The last change to the Rules of Conduct was in 2008. He referred to Section 2, Applicable State and Local Laws and indicated it would be appropriate to add the statute for Annexation.

Larry referred to page 5 and asked if commissioners were comfortable with continuing to meet at 7 pm. Commissioners indicated they were used to meeting at that time.

Larry reviewed Article 5.4:

A member may disqualify his or her vote whenever any applicant, or their agent, has sought to influence the vote of the

member prior to full Board review. If disqualification does not occur, the member shall make it known to the Board that private discussion with the applicant or agent has taken place prior to the meeting and detail the contents of that discussion.

He indicated that this follows a higher, national standard with the intent that applicants provide remarks at the meeting, rather than potential ex parte communications.

Discussion was held regarding possibly holding meetings via email. Larry indicated that with North Dakota open meeting laws this could be difficult as the press would need to be included in the emails. There is the option of canceling meetings should there not be any items to discuss.

Larry referred to the work program under Article 10. He stated that staff is trying to review the comp plan and update maps.

Commissioner Diamond made a motion to add N.D.C.C. 40-51.2 (Annexation) to 2.1 Applicable State and Local Laws, under item d. Commissioner Zupi seconded the motion. No opposition. Motion carried.

Larry stated that at the next meeting a public hearing would be held to update the zoning map.

Commissioner Johnson made a motion to adjourn. Commissioner Zupi seconded the motion. No opposition. Meeting adjourned.